IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 15529 of 2003(W)

PETITIONER:

K.M.ROSY, RETIRED LADY HEALTH INSPECTOR,
KATTUNILATHU, VADUTHALA, KOCHI-24.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA
SRI.PRASUN.S

RESPONDENTS:
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1. STATE OF KERALA-REPRESENTED BY THE SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES, THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER OF HEALTH, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH, J.

O.P. NO. 15529 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The essential grievance of the petitioner is on Ext.P2 audit objection. Petitioner retired from service on 31.5.00. The objection is raised in March 2001. It is seen that the controlling authority, namely the District Medical Officer, has furnished Ext.P3 reply to the Accountant General that the fixation is only a matter of procedural irregularity and hence the objection could be dropped. The stand taken in he counter affidavit is that the Accountant General cannot admit the remarks of the controlling officer. The Accountant General is not on the party array. Be that as it may. The objection is after the retirement of the petitioner. Even according to the 3rd respondent the alleged wrong fixation is only a matter of procedural irregularity, which can be cured by permitting the petitioner to submit a re-option so as to get over the audit objection. Hence there is no point in pursuing the matter any further. There will be a direction to the respondents to accept the option filed by the petitioner in terms of the Govt. Order dated 26.2.90 as stated in Ext.P3 and close the file. The withheld gratuity shall be refunded to the petitioner, within a period of three months from the date of receipt of a copy of this judgment. The original petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.15529/03

JUDGMENT

11th DECEMBER, 2006